

REMARKS

Favorable reconsideration in view of the here with presented amendment and remarks is respectfully requested.

CLAIM REJECTIONS UNDER 35 USC §103

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over the admitted prior art (APA).

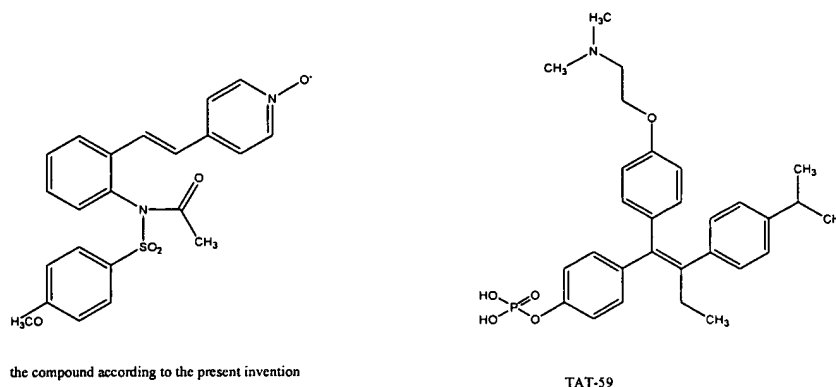
The Examiner asserts APA teaches that it is known to treat similar materials in an open operation so that using the Applicants' material in an open operation would have been obvious to one of ordinary skill in the art. Applicants disagree with the Examiner and respectfully traverse this rejection.

The present invention relates to a method of micronizing a specific compound, (E)-4-[2-[2-[N-acetyl-N-(4-methoxybenzenesulfonyl)amine]phenyl]ethenyl]pyridine 1-oxide (hereinafter, the compound according to the present invention) while maintaining its crystalline form.

Applicants believe that the "similar materials" that the Examiner has mentioned in the office action are "water-insoluble compounds". Surely, the compound according to the present invention is also a water-insoluble compound. However, the number of water-insoluble compounds is enormous. Those skilled in this art would not think that all water-insoluble compounds show entirely the same properties. The properties are dependent on molecular structure, crystal structure, etc.

TAT-59 is an example of a water-insoluble compound. Figure 1, below, shows TAT-59 and the compound according to the present invention.

Figure 1



TAT-59 is a compound described in the reference document, Chemical and Pharmaceutical Bulletin, vol. 44, no. 10, 1996, page 1931-1934. The document is cited in the supplementary European search report and was filed with the USPTO on August 14, 2002 as an Information Disclosure Statement. Both TAT-59 and the compound according to the present invention have stilbene-like structures and are practically insoluble in water.

However, TAT-59 is an amphoteric molecule containing a dimethylamino group and phosphoric group and decomposes into its hydrolysis product and phosphoric acid at high temperature and high humidity.

Meanwhile the compound according to the present invention is a neutral molecule containing a protected sulfonamide moiety and is a relatively stable compound. Thus, both compounds are water-insoluble, but not similar at all.

Furthermore, all water-insoluble compounds are not necessarily micronized by using the open-circuit pulverizing systems or the closed-circuit pulverizing systems, while maintaining their crystal form.

Applicants have unexpectedly found that the compound according to the present invention remains in the crystal form if micronized by open-circuit pulverizing system, while if micronized by closed-circuit pulverizing system, the compound changes into a non-crystal form.

This phenomenon for the compound according to the present invention is unexpected.

Therefore, applicants urge that it would not have been obvious for one of ordinary skill in the art to find the present invention from APA.

For the above reasons, applicant urges reconsideration and withdrawal of the §103(a) rejection.

CONCLUSION

It is believed that all of the present claims are in condition for allowance. Early and favorable action is earnestly solicited.

AUTHORIZATION

If the Examiner believes that issues may be resolved by telephone interview, the Examiner is respectfully urged to telephone the undersigned at (212) 801-2146. The undersigned may also be contacted by e-mail at ecr@gtlaw.com.

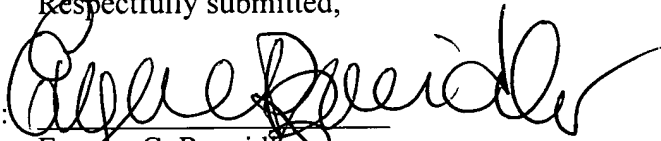
No additional fee, other than the fee for the three month extension of time, is believed to be necessary. The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 50-1561.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 50-1561.

Dated: March 11 2005

Respectfully submitted,

By:



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